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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,604	06/01/2001	Robert E. Callies	Lindsay 51	2262

7590 01/29/2004
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EXAMINER

HWU, DAVIS D

ART UNIT PAPER NUMBER

3752

DATE MAILED: 01/29/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/872,604	Applicant(s) CALLIES ET AL.
Examiner Davis Hwu	Art Unit 3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-9, 13-19 and 21-28 is/are rejected.
- 7) Claim(s) 10-12 and 20 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) Interview Summary (PTO-413) Paper No(s). ____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

Response to Amendment

1. Applicant's amendment and arguments of January 9, 2004 are acknowledged and entered as paper number 8.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
3. All of the appropriate 35 USC paragraphs can be found in the previous office actions.

Claim Rejections - 35 USC § 103

4. Claims 1-5, 7, 8, 13, 14, 16-19, 21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of Hane.

The patent to Dunn discloses a distribution tube assembly for an irrigation system, the distribution tube assembly comprising an elongated frame with a first upstream end and a second downstream end (see Figure 1) and at least two fluid passageways defined therein to permit more than one fluid stream therethrough each passageway permitting fluid flow from the first upstream end to the second downstream end, at least one of the fluid passageways being in fluid communication with a water source 16, wherein a first fluid passageway is at least twice as large as a second fluid passageway and wherein a second fluid passageway is in fluid communication with an alternate supply line as (see Figure 1) recited in claims 2 and 3. Dunn does not disclose a main supply line. The patent to Hane teaches a distribution tube assembly for an irrigation system comprising a main supply line having adaptors connected to various distribution tubes for conveying water to the tubes. Hane also teaches placing adaptors 4 on first and second ends of

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the distribution tubes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a main water supply line to a first fluid passageway of the device of Dunn as taught by Hane in order to convey water to the irrigation system and to provide adaptors at first and second ends of the distribution tube to distribute water from the tubes.

5. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of Hane as applied to claim 4 above, and further in view of Healy.

The patent to Healy teaches a hose adapter positioned at the end of a first hose 11 in order to connect another hose to the first hose to lengthen the hose assembly in which the adapter has at least one annular coupler as recited in claim 9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have positioned an adapter at the second end of the distribution tube assembly of Dunn and Hane as taught by Healy in order to extend the distribution tube.

6. Claims 15 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of Hane as applied to claim 4 above, and further in view of Hoffman.

The patent to Hoffman teaches a hose coupling valve to regulate the flow of fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Dunn and Hane by replacing the adapter with an adapter having a regulator valve as taught by Hoffman to control the flow of water to the passageways.

Claim Rejections - 35 USC § 102

7. Claims 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hane.

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The patent to Hane shows a distribution tube assembly for an irrigation system of the type having a main supply line 2, the distribution tube assembly comprising a distribution tube frame having a first conduit defining a first passage and a second conduit defining a second passageway, the first and second passageways being fluidly separate from each other throughout the frame (see Figure 7), the conduits being joined by a web, at least one of the first and second passageways being in fluid communication with the main supply line. Hane also shows an adapter 4 comprising a branch fitting as recited in claims 27 and 28.

Allowable Subject Matter

8. Claims 10-12 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu